

EXHIBIT

11

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, :
: Plaintiff, : Docket No. CA 12-128
: vs. : Washington, D.C.
ERIC H. HOLDER, in his official : Monday, April 16, 2012
capacity as Attorney General of : 12:35 p.m.
the United States :
: Defendant, and :
ERIC KENNIE, et al :
: Intervenor-Defendants. :
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TRANSCRIPT OF TELEPHONE CONFERENCE
BEFORE THE HONORABLE ROSEMARY M. COLLYER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 Appearances continued:

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1 THE COURT: Okay, everybody, good afternoon. Sorry
2 we ran a little late. I'm in the middle of a motions hearing.
3 And we had the defendant on the stand which is sufficiently
4 unusual that it distracted me.

5 I have received the letter from Ms. Westfall and just
6 now a copy of Mr. Frederick's e-mail on suggesting that Texas
7 needs more time. And I assume that that's the answer, but let
8 me ask to begin with, what is Texas' litigating position on who
9 constitutes the State of Texas? This is an issue that we
10 talked about before and I thought that it was clarified by me
11 to clarify its position, but that didn't happen so perhaps you
12 can do it now.

13 MR. FREDERICK: Yes, Judge this is Matt Frederick.
14 The State's position first is that we don't need to resolve
15 that issue because it is not impeding discovery. As I pointed
16 out in a letter or and e-mail responding to Mr. Rosenberg this
17 morning and copying the Department of Justice. We have not
18 refused to collect or investigate any claim or any discovery
19 request on the basis of who constitutes the State of Texas. We
20 have collected documents from every legislator that we have
21 been requested to contact. We have collected and produced
22 documents from agencies, so our first position is that it's a
23 bit of a non issue because nothing has been withheld and no
24 request has been refused based on the identity of quote, "The
25 State".